



Rep. Arthur Turner

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09800SB1358ham002

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1 AMENDMENT TO SENATE BILL 1358

2 AMENDMENT NO. _____. Amend Senate Bill 1358 as follows:

3 on page 1, line 5, by replacing "Section 10-15.1" with
4 "Sections 10-15.1 and 10-16.5"; and

5 on page 6, immediately below line 19, by inserting the
6 following:

7 "(305 ILCS 5/10-16.5)

8 Sec. 10-16.5. Interest on support obligations. A support
9 obligation, or any portion of a support obligation, which
10 becomes due and remains unpaid as of the end of each month,
11 excluding the child support that was due for that month to the
12 extent that it was not paid in that month, shall accrue simple
13 interest as set forth in Section 12-109 of the Code of Civil
14 Procedure. An order for support entered or modified on or after
15 January 1, 2006 shall contain a statement that a support

1 obligation required under the order, or any portion of a
2 support obligation required under the order, that becomes due
3 and remains unpaid as of the end of each month, excluding the
4 child support that was due for that month to the extent that it
5 was not paid in that month, shall accrue simple interest as set
6 forth in Section 12-109 of the Code of Civil Procedure. Failure
7 to include the statement in the order for support does not
8 affect the validity of the order or the accrual of interest as
9 provided in this Section.

10 In cases in which IV-D services are being provided, the
11 Department shall provide, by rule, for a one-time notice to
12 obligees advising the obligee that he or she must notify the
13 Department within 60 days of the notice that he or she wishes
14 to have the Department compute any interest that accrued on a
15 specific docket in his or her case between May 1, 1987 and
16 December 31, 2005. If the obligee fails to notify the
17 Department within the 60-day period: (i) the Department shall
18 have no further duty to enforce and collect interest accrued on
19 support obligations established under this Code or under any
20 other law that are owed to the obligee prior to January 1,
21 2006; and (ii) any interest due on that docket prior to 2006
22 may be pursued by the obligee through a court action, but not
23 through the Department's IV-D agency.

24 (Source: P.A. 94-90, eff. 1-1-06.)

25 Section 10. The Code of Civil Procedure is amended by

1 changing Section 12-109 as follows:

2 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

3 Sec. 12-109. Interest on judgments.

4 (a) Every judgment except those arising by operation of law
5 from child support orders shall bear interest thereon as
6 provided in Section 2-1303.

7 (b) Every judgment arising by operation of law from a child
8 support order shall bear interest as provided in this
9 subsection. The interest on judgments arising by operation of
10 law from child support orders shall be calculated by applying
11 one-twelfth of the current statutory interest rate as provided
12 in Section 2-1303 to the unpaid child support balance as of the
13 end of each calendar month. The unpaid child support balance at
14 the end of the month is the total amount of child support
15 ordered, excluding the child support that was due for that
16 month to the extent that it was not paid in that month and
17 including judgments for retroactive child support, less all
18 payments received and applied as set forth in this subsection.
19 The accrued interest shall not be included in the unpaid child
20 support balance when calculating interest at the end of the
21 month. The unpaid child support balance as of the end of each
22 month shall be determined by calculating the current monthly
23 child support obligation and applying all payments received for
24 that month, except federal income tax refund intercepts, first
25 to the current monthly child support obligation and then

1 applying any payments in excess of the current monthly child
2 support obligation to the unpaid child support balance owed
3 from previous months. The current monthly child support
4 obligation shall be determined from the document that
5 established the support obligation. Federal income tax refund
6 intercepts and any payments in excess of the current monthly
7 child support obligation shall be applied to the unpaid child
8 support balance. Any payments in excess of the current monthly
9 child support obligation and the unpaid child support balance
10 shall be applied to the accrued interest on the unpaid child
11 support balance. Interest on child support obligations may be
12 collected by any means available under State law for the
13 collection of child support judgments ~~federal and State laws,~~
14 ~~rules, and regulations providing for the collection of child~~
15 ~~support.~~

16 (Source: P.A. 94-90, eff. 1-1-06.)".